

# BARKER, GELFAND, JAMES & SARVAS

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PLEASE REPLY TO  
**ATLANTIC COUNTY OFFICE**

August 1, 2018

The Honorable Magistrate Judge Ann Marie Donio  
Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets, Court Room: 3B  
Camden, NJ 08101

Re: The Estate of Joey Myers and Carolyn K. Chaudry, as  
Administrator Ad Prosequendum of the Estate of Joey Myers,  
and in her own right v. The City of Millville, Chief Jody  
Farabella, individually and his official capacity, Officer  
Michael Calchi, Officer Gavin Phillips, Officer Jeffrey  
Proffit, and John Doe Police Officers 1-10, individually and  
in their official capacities  
Docket Number: 17-cv-01411 JHR/AMD

Dear Magistrate Judge Donio:

On or about June 20, 2018, our office attended a telephonic  
conference on the matter captioned above on behalf of the  
Defendants. Conrad J. Benedetto, Esquire and Frank R. Schirripa,  
Esquire appeared telephonically on behalf of the Plaintiffs.  
Theodore Baker, Esquire appeared telephonically on behalf of the  
County of Cumberland.

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August 1, 2018

The Honorable Magistrate Judge Ann Marie Donio

Re: The Estate of Joey Myers and Carolyn K. Chaudry, as Administrator Ad Prosequendum of the Estate of Joey Myers, and in her own right v. The City of Millville, Chief Jody Farabella, individually and his official capacity, Officer Michael Calchi, Officer Gavin Phillips, Officer Jeffrey Proffit, and John Doe Police Officers 1-10, individually and in their official capacities  
Docket Number: 17-cv-01411 JHR/AMD

Attached is a Proposed Order filed Defendant's counsel Todd Gelfand, Esquire and approved by Conrad J. Benedetto, Esquire and Frank R. Schirripa, Esquire for Plaintiff and Theodore Baker, Esquire for the County of Cumberland.

It is noted that Attorney Theodore Baker had initially objected to the criminal history records discussed as "CJIS" records, so that Mr. Baker's consent on behalf of the County is as to the form of this order, but the production of the records should kindly be noted as ordered by the court, not with Mr. Barker's consent.

Respectfully submitted

**BARKER, GELFAND, JAMES & SARVAS**  
**A Professional Corporation**

By: s/Todd J. Gelfand  
Todd J. Gelfand, Esquire

cc: Conrad J. Benedetto, Esquire  
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Frank R. Schirripa, Esquire  
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Attorney for Plaintiff

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Attorney for Defendants, The City of Millville, Chief of Police Jody Farabella, K-9 Officer Michael Calchi, Officer Gavin Phillips, and Officer Jeffrey Profit, Jointly, Severally, and in the Alternative

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW JERSEY - CAMDEN**

THE ESTATE OF JOEY MYERS AND  
CAROLYN K CHAUDRY, AS ADMINISTRATOR  
AD PROSEQUENDUM OF THE ESTATE OF  
JOEY MYERS, AND IN HER OWN RIGHT,  
Plaintiffs,

v.

CITY OF MILLVILLE;  
CHIEF JODY FARABELLA, Individually  
and in his official capacity;  
OFFICER MICHAEL CALCHI;  
OFFICER GAVIN PHILLIPS;  
OFFICER JEFFREY PROFITT; and,  
JOHN DOE POLICE OFFICERS 1-10,  
Individually and in their official  
capacities  
Defendants.

Civil Action  
17-cv-01411 (JHR/AMD)

THIS MATTER having come before the court by telephone conference on June 20, 2018, following a letter filed with the Court by Attorney Theodore Baker, County Counsel for the County of Cumberland, objecting to certain aspects of a subpoena issued to Cumberland County by Defendants' counsel Todd J. Gelfand, Esq., of the law firm of Barker, Gelfand, James and Sarvas, and with

Plaintiff represented on June 20, 2018 by Conrad J. Benedetto, Esq. and Frank R. Schirripa, Esq., and the County having objected to providing certain otherwise confidential documents pertaining to the criminal history of Joey Myers, particularly "CJIS" records; and other such objections to the subpoena having been discussed and resolved among counsel prior to the phone conference; and for good cause shown;

It is hereby ordered on this \_\_\_\_ day of \_\_\_\_\_, 2018, as follows:

1. The County is ordered to produce the documents requested by defense counsel's April 30, 2018, subpoena to include the criminal record file or files pertaining to Joey Myers and such records identified as "CJIS" records; such records shall be treated as confidential in this matter pursuant to the governing Confidentiality Order, docket entry #18, entered November 8, 2017; and,

2. It appears that other items requested by said subpoena are not in dispute, the subpoena shall otherwise be subject to compliance.

It is FURTHER ORDERED and ADJUDGED that a copy of this Order shall be served upon all counsel within seven (7) days of receipt by Barker, Gelfand, James & Sarvas.

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Magistrate Judge Ann Marie Donio